

VZCZCXRO8223
PP RUEHPA
DE RUEHUJA #1899/01 2661227
ZNY CCCCC ZZH
P 221227Z SEP 08
FM AMEMBASSY ABUJA
TO RUEHC/SECSTATE WASHDC PRIORITY 4012
INFO RUEHZK/ECOWAS COLLECTIVE
RUEHYD/AMEMBASSY YAOUNDE 0384
RUEHOS/AMCONSUL LAGOS 9971
RUEAHQA/AFRICA CENTER FOR STRATEGIC STUDIES WASHDC
RHMFISS/HQ USAFRICOM STUTTGART GE
RHEBAAA/DEPT OF ENERGY WASHDC
RHEHNSC/NSC WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC
RUEKDIA/DIA WASHDC
RHMFISS/HQ USEUCOM VAIHINGEN GE
RUZEJAA/JAC MOLESWORTH RAF MOLESWORTH UK

C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001899

SIPDIS

STATE FOR AF/W, INR/AA
DOE FOR GEORGE PERSON

E.O. 12958: DECL: 09/15/2018

TAGS: [PTER](#) [PINS](#) [PINR](#) [PGOV](#) [KCRM](#) [KHLs](#) [KTFN](#) [EPET](#) [NI](#)

SUBJECT: NIGERIAN TERRORISM BILL PASSES 2ND SENATE READING,
SENT TO COMMITTEE

Classified By: Acting DCM Bob Tansey for reasons 1.4. (b & d).

11. (U) Summary: On September 16, the Nigerian Senate voted to send counterterrorism legislation to an ad-hoc committee comprised of members of the Senate National Security & Intelligence, Judiciary and Foreign Affairs committees, after passing its second reading. The ad-hoc committee, headed by Security & Intelligence Chairman Nuhu Aliyu, will hold hearings (some perhaps closed to the public), and review and report on the legislation, before referring it to the chamber for debate prior to a third and final vote. Introduction of a similar bill, also based on the Commonwealth model terrorism legislation, is expected soon in the House. Senate leadership is optimistic about its bill's eventual passage, though various technical matters must still be addressed in committee, primarily harmonizing it with existing statutes. End Summary.

12. (C) Senate Bill (SB) 128 "A Bill for an Act to Make Provisions for the Enhancement of Nigerian National Security and for Other Matters Connected Therewith" is an almost verbatim copy of the "Model Legislative Provisions on Measures to Combat Terrorism" published by the Commonwealth Secretariat. In February, PolOff provided copies of the model legislation and various UN Conventions on Terrorism to Senator Nuhu Aliyu, Chairman of the Senate Committee on National Security and Intelligence, senior aides to Senate President David Mark, Deputy Senate Leader Victor Ndoma-Egba, and Senator Anthony George Manzo (PDP-Taraba) who introduced the bill in the Senate on July 7.

13. (C) The original sponsor of the ill-fated 2006 "Prevention of Terrorism Act", former Senator Ben Ndi-Obi (strictly protect), Atiku Abubakar's Vice Presidential running mate in the 2007 elections, told PolOff late last year that he had pulled the 2006 legislation the day of its second reading because he had found out that a group of Northern senators had decided the bill was "anti-Muslim" and vowed to kill it. Obi opined that the current crop of Northern Senators was more thoughtful and perhaps less-inclined to believe in conspiracy theories than those he had served with. Other Senate members have suggested that bad timing was what really doomed the 2006 bill, having been considered at a particularly rancorous time when nobody wanted to give the Obasanjo administration any legislative victory, which roughly coincided with the Third Term effort.

¶4. (C) Post suggested to Senate members and staff that to improve the current legislation's chances of passage, the word "terrorism" should be eliminated from the bill's title, that it should have as many Northern co-sponsors as possible, and preferably be introduced by somebody from the North. (Note: Anthony "George" Manzo (PDP-Taraba North) who was designated point person for the legislation by the Senate President, and introduced it, hails from the North-East zone, though he is a Christian.) Of SB 128's original eleven cosponsors, four are from the north, four are from the South-South, including Lee Maeba (PDP-Rivers Southeast) from the heart of the Delta, and three from the Southwest. The bill is also co-sponsored and strongly supported by senior Senator and former Deputy Inspector General of Police Nuhu Aliyu (PDP-Niger North).

¶5. (C) PolOff spoke with Congressman Farouk Lawan (PDP-Bagwai/Shanono; Kano State) about the Senate bill on July 24, and provided him a copy of it. Lawan mentioned that "If it has already been introduced in the Senate, then we should begin working on it in the House." PolOff shared the British Foreign Office's observation that the sentencing limits for some offenses contained within the bill were somewhat lenient, particularly vis-a-vis American and British standards. (Note: PolOff had earlier provided copies of SB 128 to his counterpart at the British High Commission, who had forwarded it to London. End note.) Lawan commented that "we should not have sentences that are too lenient or too harsh, but somewhere in between." (Note: The Commonwealth model provisions contain blank spaces for countries to determine their own jail terms for each offense, and offer no

ABUJA 00001899 002 OF 002

guidelines. End Note.)

¶6. (C) Immediately after the successful second vote on the bill, PolOff, INL Off and INL/C officer visiting from Washington met with the Honorable Rabe Nasir (PDP-Mani/Bindawa; Katsina State), Vice Chairman of the House Committee on Drugs, Narcotics & Financial Crimes until the dissolution of all but three House Committees on July 31. Nasir said that he would "probably be named... as early as tomorrow" the new Chairman of the House Committee on National Security. Nasir was previously an intelligence officer for the former State Security Service (SSS), now known as the Department for State Security (DSS) who was in charge of SSS operations at the National Assembly. Subsequently he was a Special Assistant to former Economic and Financial Crimes Commission (EFCC) Chairman Nuhu Ribadu, whom he considers a close friend and confidante, before entering politics. PolOff is providing Congressman Nasir with a copy of the Senate bill and noted Lawan's interest and general support to him. Nasir echoed concerns expressed during the floor debate about the definition of a "terrorist".

¶7. (C) Comment: Nigeria may actually be on its way to having some comprehensive counterterrorism (CT) legislation, beyond the brief couple of catch-all sections covering terrorism contained within the EFCC Act. At present there is not really any statutory framework on the books for international cooperation on issues of transnational terrorism. To date Nigeria has adopted nine of the sixteen universal conventions and protocols against terrorism. Ironically, the 2005 "Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf" i.e. oil platforms, is not one of the nine. A September 18 report on Voice of America (VOA) suggests there exists a widespread view amongst the public that the terrorism bill is aimed at Niger Delta militants. The bill's chief sponsor Senator Manzo told PolOff at the time of SB 128's submission that the June 19 attack against Shell's deepwater Bonga oil platform had underscored for many of his colleagues the need for such statutes. Though we may not know the exact intentions of all of the various Nigerian policymakers, the issue of terrorism in Nigeria should be viewed through the prism of the North-South rivalry and struggle for political

supremacy. The 2006 CT bill introduced under a Southern President was decried as being aimed specifically at Northerners and "anti-Muslim." Now, with a Northern head of state, CT legislation is being described by some as aimed squarely at the restive Niger Delta. End comment.
SANDERS